

Forest Service, USDA

§ 214.2

superseded as to all such projects administered by the Forest Service, but not as to such project lands administered by other agencies.

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PART 214—POSTDECISIONAL ADMINISTRATIVE REVIEW PROCESS FOR OCCUPANCY OR USE OF NATIONAL FOREST SYSTEM LANDS AND RESOURCES

Sec.

- 214.1 Purpose and scope.
- 214.2 Definitions.
- 214.3 Parties to an appeal.
- 214.4 Decisions that are appealable.
- 214.5 Decisions that are not appealable.
- 214.6 Notice of an appealable decision.
- 214.7 Levels of review.
- 214.8 Appeal content.
- 214.9 Filing of an appeal.
- 214.10 Dismissal of an appeal.
- 214.11 Intervention.
- 214.12 Responsive statement and reply.
- 214.13 Stays.
- 214.14 Conduct of an appeal.
- 214.15 Resolution of issues prior to an appeal decision.
- 214.16 Oral presentation.
- 214.17 Appeal record.
- 214.18 Appeal decision.
- 214.19 Procedures for discretionary review.
- 214.20 Exhaustion of administrative remedies.
- 214.21 Information collection requirements.
- 214.22 Applicability and effective date.

AUTHORITY: 7 U.S.C. 1011(f); 16 U.S.C. 472, 551.

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§ 214.1 Purpose and scope.

(a) *Purpose.* This part provides a fair and deliberate process by which holders, operators, and solicited applicants may appeal certain written decisions issued by Responsible Officials involving written instruments authorizing the occupancy or use of National Forest System lands and resources.

(b) *Scope.* This part specifies who may appeal, decisions that are appealable and not appealable, the responsibilities of parties to an appeal, and the time periods and procedures that govern the conduct of appeals under this part.

§ 214.2 Definitions.

Appeal. A document filed with an Appeal Deciding Officer in which an individual or entity seeks review of a Forest Service decision under this part.

Appeal Deciding Officer. The Forest Service line officer who is one organizational level above the Responsible Official or the respective Deputy Forest Supervisor, Deputy Regional Forester, or Associate Deputy Chief with the delegation of authority relevant to the provisions of this part.

Appeal decision. The final written decision issued by an Appeal Deciding Officer on an appeal filed under this part which affirms or reverses a Responsible Official's appealable decision in whole or in part, explains the basis for the decision, and provides additional instructions to the parties as necessary.

Appeal record. Documentation and other information filed with the Appeal Deciding Officer within the relevant time period by parties to the appeal and upon which review of an appeal is conducted.

Appellant. An individual or entity that has filed an appeal under this part.

Cancellation. The invalidation, in whole or in part, of a term grazing permit or an instrument for the disposal of mineral materials.

Discretionary Reviewing Officer. The U.S. Department of Agriculture (USDA) or Forest Service official authorized to review an appeal decision by an Appeal Deciding Officer or a decision by the Chief under this part.

Holder. An individual or entity that holds a valid written authorization.

Intervenor. An individual or entity whose request to intervene has been granted by the Appeal Deciding Officer.

Modification. A Responsible Official's written revision of the terms and conditions of a written authorization.

Operator. An individual or entity conducting or proposing to conduct mineral operations.

Oral presentation. An informal meeting conducted by the Appeal Deciding Officer during which parties to an appeal may present information in support of their position.

Prospectus. An announcement published by the Forest Service soliciting